

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE
ENERGY, LLC, a Delaware limited liability
company,

Plaintiff,

v.

VICTORY ENERGY
OPERATIONS, LLC, a Delaware limited
liability company,

Defendant.

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: CIVIL ACTION
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: NO. 04-CV-325 (ERIE)
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: Judge Sean J. McLaughlin
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**PLAINTIFF'S MOTION IN *LIMINE* TO EXCLUDE PORTIONS OF PAUL F.
MILLER'S EXPERT REPORT
AND ANY TESTIMONY RELATED THERETO**

Plaintiff, Indeck Keystone Energy, LLC ("IKE"), by and through its counsel, Schnader Harrison Segal & Lewis LLP, hereby submits this Motion in *Limine* to exclude Section A, Section B, Section C and Section E of Paul F. Miller's Expert Report and any testimony relating thereto. The basis for the said Motion is more particularly set forth in the Memorandum of Law in Support of the Motion which is filed contemporaneously herewith.

Accordingly, Plaintiff, Indeck Keystone Energy, LLC requests that this Honorable Court exclude Section A, Section B, Section C and Section E of Paul F. Miller's Expert Report and any testimony relating thereto.

Respectfully submitted,

/s/ John K. Gisleson

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*Attorneys for Plaintiff and Counterclaim Defendant,
Indeck Keystone Energy, LLC*

Dated: April 27, 2007

LOCAL RULE 16.1.4(D) CERTIFICATION

Pursuant to Local Rule 16.1.4(D), I hereby certify that counsel for Plaintiff, Indeck Keystone Energy, LLC made a good faith effort to confer with opposing counsel in an effort to reach agreement on the issues raised in the foregoing motion *in limine*, but opposing counsel was unwilling to agree to the issues raised in the motion.

/s/ John K. Gisleson

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Plaintiff's Motion In Limine To Exclude Portions Of Paul F. Miller's Expert Report And Any Testimony Related Thereto** was served upon the following counsel of record by the CM/ECF electronic filing system on the 27th day of April, 2007:

Christopher T. Sheean, Esquire
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/s/ John K. Gisleson